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RCE#

PTO/SB/30 (5/2000)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|--------------|
| Application Number | 09/939,838 - |
| Filing Date | 8/27/01 |
| First Named Inventor | Peter X. |
| Group Art Unit | 1711 |
| Examiner Name | Foelak, M |
| Attorney Docket Number | Um-063 |

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GROUP 1700

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition to Withdraw Finality, Petition for One month Extension of time

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

 The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-1290
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 09/11/2003 RHEBRANT 00000063 09939838
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC:2801 375.00 OP
- iii. ☒ Other Petition to Withdraw Finality
- b. ☒ Check in the amount of \$ 560.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

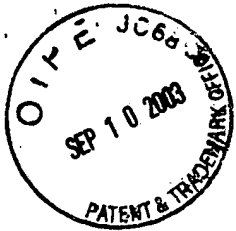
| | | | |
|-------------------|------------------|-----------------------------------|----------|
| Name (Print/Type) | PETER G. CARROLL | Registration No. (Attorney/Agent) | 32,837 |
| Signature | | Date | 9/8/2003 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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|-------------------|------------------------|------|--------|
| Name (Print/Type) | Christopher J. Collins | Date | 9-8-03 |
| Signature | | | |

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PATENT
Attorney Docket No. **UM-06398**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re Application of: **Peter X. Ma *et al.***
Serial No.: 09/939,838
Filed: 08/27/2001
Entitled: **Porous Composite Materials**

Group No.: 1711
Examiner: Foelak, M.

**PRELIMINARY AMENDMENT IN RESPONSE TO
OFFICE ACTION OF MAY 6, 2003**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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| CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A) | |
| I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 | |
| Dated: <u>September 8, 2003</u> | By: <u></u> Christopher J. Collins |

Sir or Madam:

Please enter the following on the record in response to the above cited Office Action. This preliminary amendment is submitted with an RCE (which is filed under protest) and a petition to withdraw finality. Attached as a separate paper is a Petition for a One Month Extension of Time.

On page two this communication please find a status of all claims with instructions for entry pursuant to revised 37 CFR § 1.21.